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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,476	09/01/2006	Yasuhiko Kojima	33082M343	1461
441 7590 10/16/2009 SMITH, GAMBRELL & RUSSELL 1130 CONNECTICUT AVENUE, N.W., SUITE 1130 WASHINGTON, DC 20036			EXAMINER LOUIE, MANDY C	
			ART UNIT 1792	PAPER NUMBER
			MAIL DATE 10/16/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/591,476

Applicant(s)

KOJIMA ET AL.

Examiner

MANDY C. LOUIE

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-854/IC)
- Paper No(s)/Mail Date See Continuation Sheet

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :03/11/09, 04/25/08, 03/19/07, 2/22/07, 09/01/06.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Mouche [Metal-organic chemical vapor deposition of copper using hydrated copper formate as a new precursor].

Regarding claim 1, Mouche teaches a film deposition method for forming a Cu film on a substrate by a CVD by using a source material containing a Cu-carboxylic acid complex or a derivative thereof [pg. 1].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mouche in view of Norman [US 2002/0013487].

Teaching of Mouche is aforementioned, but appears to be silent in teaching some of the limitations of the claims 2 and 5-6.

Regarding claim 2, Norman teaches a film deposition method comprising the steps of: supplying a source material including a Cu complex or a derivative thereof onto a substrate; and supplying a reductive gas to the substrate after stopping supplying

the source material, wherein the step of supplying the source material and the step of supplying the reductive gas are performed alternately [0026], wherein Mouche is provided to teach using a Cu-carboxylic acid complex [Mouche, abstract].

It would have been obvious to one of ordinary skill in the art at the time of the invention to alternatively providing the copper source and reductive gas. One would have been motivated to do so in order to effectively control the film results to yield desirable properties.

Regarding claim 5, Mouche in view of Norman teaches the film deposition method according to claim 2, wherein the reductive gas is converted into radicals by using plasma when the reactive gas is supplied to the substrate [Norman, 0019].

Regarding claim 6, Mouche in view of Norman teaches the film deposition method according to claim 2, wherein the reductive gas is H₂ gas [Mouche, pg 3; Norman, 0007-0008, 0019].

7. Claims 3-4, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mouche in view of Norman, and further in view of Sneh [2001/0002280].

Teaching of Mouche in view of Norman is aforementioned, but appears to be silent in removing residual gases between steps and repeating the steps.

Regarding claim 3, Sneh teaches a film deposition method for radical assisted sequential CVD [abstract] comprising the steps of: placing a substrate in a process container for treatment (which would be innate); and repeating the processing steps [0042] which includes removing residual gases in the process container therefrom after

stopping supplying the source material; supplying a reductive gas to the substrate; and removing residual gases in the process container therefrom [0039-0042].

It would have been obvious to one of ordinary skill in the art at the time of the invention to repeat and sequentially purge gases between process steps. One would have been motivated to do so in order to control the amount of material deposit per step so as to ensure reactivity between the sources so as to yield desirable film results (i.e. desirable thickness). Although the prior art does not explicitly teach stopping the reduction gas flow prior to purging, it would have been obvious to one of ordinary skill in the art to do so to reduce material waste of the reduction gas (as similarly applied to the source gas taught by Sneh).

Regarding claim 4, Mouche in view of Norman and Sneh teaches the film deposition method according to claim 3, wherein the steps (b) and (d) are performed by replacing atmosphere in the process container with an inert gas, or by evacuating the processing container [Sneh, 0040].

Regarding claim 17, Mouche in view of Norman and Sneh teaches the film deposition method according to claim 3, wherein the reductive gas is converted into radicals by using plasma when the reactive gas is supplied to the substrate [Norman, 0019].

Regarding claim 18, Mouche in view of Norman and Sneh teaches the film deposition method according to claim 3, wherein the reductive gas is H₂ gas [Mouche, pg 3; Norman, 0007-0008; 0019].

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mouche in view of Norman, and further in view of Krupoder [Polyfluorocarboxylates. I. Copper(II) trifluoroacetate and its analogues].

Teaching of Mouche in view of Norman is aforementioned, but appears to be silent in teaching the limitations of claim 7. Krupoder remedies this.

Regarding claim 7, Krupoder teaches copper trifluoroacetate may be a suitable source material for forming a copper film [abstract].

It would have been obvious to one of ordinary skill in the art at the time of invention to use copper trifluoroacetate as a source material for forming copper film. One would have been motivated to do so in order to gain the advantageous of using such precursor (i.e. less complicated synthesis) [Krupoder pg. 1].

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mouche in view of Krupoder [Polyfluorocarboxylates. I. Copper(II) trifluoroacetate and its analogues].

Teaching of Mouche is aforementioned, but appears to be silent in teaching the limitations of claim 19. Krupoder remedies this.

Regarding claim 19, Krupoder teaches copper trifluoroacetate may be a suitable source material for forming a copper film [abstract].

It would have been obvious to one of ordinary skill in the art at the time of invention to use copper trifluoroacetate as a source material for forming copper film. One would have been motivated to do so in order to gain the advantageous of using such precursor (i.e. less complicated synthesis) [Krupoder pg. 1].

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mouche in view of Norman and Sneh, and further in view of Krupoder [Polyfluorocarboxylates. I. Copper(II) trifluoroacetate and its analogues].

Teaching of Mouche in view of Norman and Sneh is aforementioned, but appears to be silent in teaching the limitations of claim 20. Krupoder remedies this.

Regarding claim 20, Krupoder teaches copper trifluoroacetate may be a suitable source material for forming a copper film [abstract].

It would have been obvious to one of ordinary skill in the art at the time of invention to use copper trifluoroacetate as a source material for forming copper film. One would have been motivated to do so in order to gain the advantageous of using such precursor (i.e. less complicated synthesis) [Krupoder pg. 1].

11. Claims 8, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman in view of Chen [US 2003/0129308].

Teaching of Norman is aforementioned, but appears to be silent in teaching the limitations of claims 8. Chen remedies this.

Regarding claim 8, Chen teaches a film deposition method that alternately performing a step of supplying a Cu-containing source material onto a substrate and a step of supplying a reductive gas to the substrate after stopping supplying the Cu-containing source material, wherein said method has:

a first film deposition period in an early deposition stage in which the two steps are performed alternately and each of the steps of supplying the reductive gas is performed for a first period of time T1; and

a second film deposition period following the first film deposition period in which the two steps are performed alternately and each of the steps of supplying the reductive gas is performed for a second period of time T2 shorter than the period of time T1 [0055-0060].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the period at which each reduction gas step is performed as taught by Chen. One would have been motivated to do so in order to improve desirable reaction for film formation [Chen, 0053].

Regarding claim 11, Norman and Chen teaches the film deposition method according to claim 8, wherein the first film deposition period continues until Cu deposited on the substrate becomes a continuous film, and the second film deposition period continues until a Cu film with a desired thickness is formed on the substrate [Chen, 0061].

Regarding claim 12, although the prior art does not explicitly teach the film deposition method according to claim 8, wherein the first period of time T1 is in a range of 3 to 20 seconds and the second period of time T2 is in a range of 1 to 5 seconds, it would have been obvious to one of ordinary skill in the art to optimize the amount of time during each process step as a workable parameter in order to yield predictable results (i.e. desirable thickness, film properties (Chen, 0053)).

Regarding claim 13, Norman and Chen teaches the film deposition method according to claim 8, wherein the reductive gas is converted into radicals by using plasma when the reactive gas is supplied to the substrate [Norman, 0019].

Regarding claim 14, Norman and Chen teaches the film deposition method according to claim 8, wherein the reductive gas is H₂ gas [Norman, 0007-0008; 0019].

12. Claims 9-10, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman in view of Sneh, and Chen.

Teaching of Norman, Sneh, and Chen as taught in paragraphs 6-7,9 are further applied to claims 9-10 and 21-24.

Conclusion

1. No claim is allowed.
2. All the pending claims are subject to restriction/election requirement.
3. Claims 15-16 are withdrawn from restriction election.
4. Claims 1-14, 17-24 are rejected for the reasons aforementioned.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MANDY C. LOUIE whose telephone number is (571)270-5353. The examiner can normally be reached on Monday to Friday, 7:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571)272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. C. L./
Examiner, Art Unit 1792

/Timothy H Meeks/
Supervisory Patent Examiner, Art Unit 1792